

# U.S. Circuit Court Nominees Confirmed During the 117<sup>th</sup> Congress (2021-2022)

January 5, 2023

This Insight provides information and analysis related to [U.S. Courts of Appeals](#) nominees confirmed during the 117<sup>th</sup> Congress (which also corresponds, approximately, to President Biden's first two calendar years in office).

For some of the information presented below for the 117<sup>th</sup> Congress, comparative data is also provided for the 115<sup>th</sup> Congress (2017-2018), 111<sup>th</sup> Congress (2009-2010), and 107<sup>th</sup> Congress (2001-2002). These three Congresses correspond approximately to the first two calendar years, respectively, of the Trump, Obama, and George W. Bush presidencies.

[Another Insight](#) provides similar information about U.S. district court nominees.

## Number and Percentage of Nominees Who Were Confirmed

During the 117<sup>th</sup> Congress, President Biden nominated 37 individuals to U.S. circuit court judgeships. Of the 37 individuals, 28 (76%) were confirmed. In the past, individuals not confirmed during a particular Congress were often renominated and confirmed during a subsequent Congress.

During the 115<sup>th</sup> Congress, President Trump nominated 43 individuals to circuit court judgeships, of which 30 (70%) were confirmed.

During the 111<sup>th</sup> Congress, President Obama nominated 25 individuals to circuit court judgeships, of which 16 (64%) were confirmed.

During the 107<sup>th</sup> Congress, President George W. Bush nominated 32 individuals, of which 17 (53%) were confirmed.

## Gender of Confirmed Nominees

As shown by **Figure 1**, 21 (75%) of the 28 circuit court nominees confirmed during the 117<sup>th</sup> Congress were women and 7 (25%) were men.

During the 115<sup>th</sup> Congress, 6 (20%) of 30 circuit court nominees confirmed were women and 24 (80%) were men. During the 111<sup>th</sup> Congress, 6 (38%) of 16 circuit court nominees confirmed were women and

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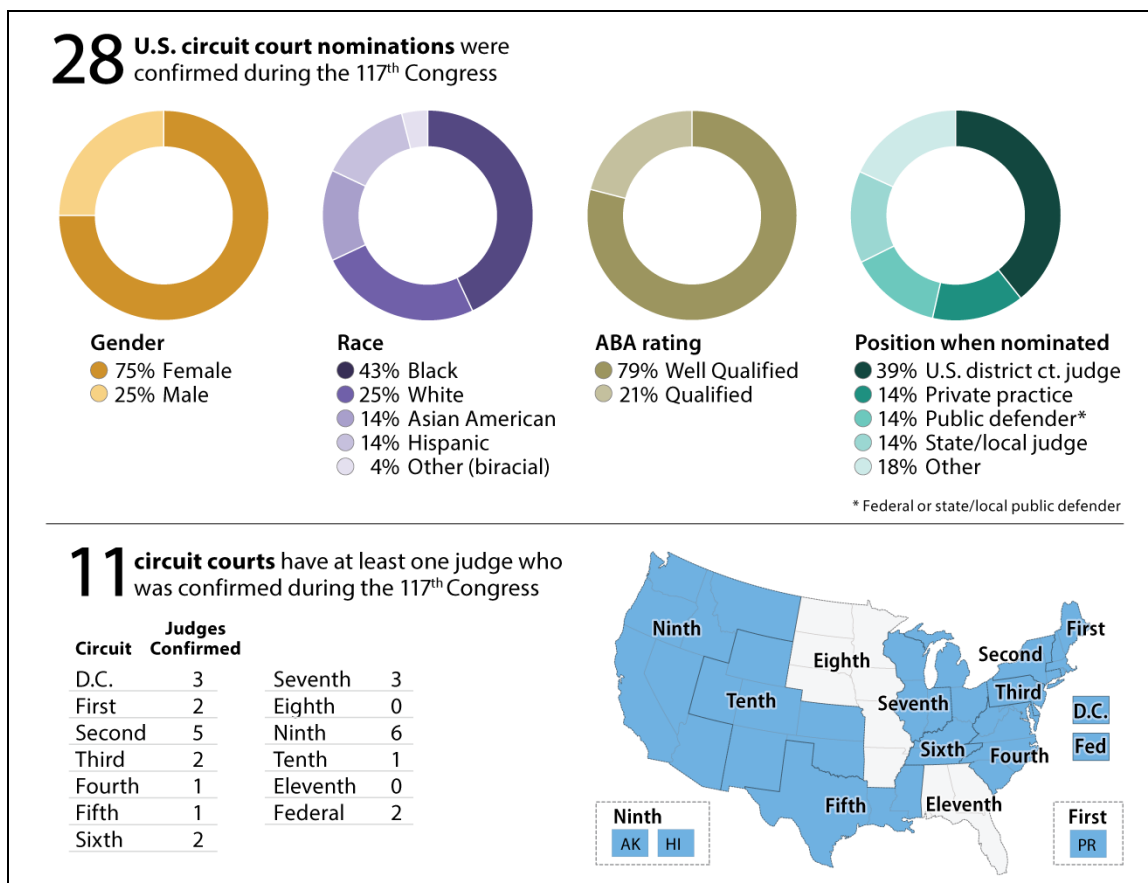
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10 (63%) were men. During the 107<sup>th</sup> Congress, 4 (24%) of 17 circuit court nominees confirmed were women and 13 (76%) were men.

Overall, as of January 1, 2023, less than 40% of *all* active U.S. circuit court judges were women. Specifically, 65 (38%) of 171 active circuit court judges were women and 106 (62%) were men.

**Figure 1. Characteristics of U.S. Circuit Court Nominees Confirmed During the 117<sup>th</sup> Congress (2021-2022)**



**Source:** Congressional Research Service compilation of public data.

## Race of Confirmed Nominees

**Figure 1** also shows the racial background of the 28 circuit court nominees confirmed during the 117<sup>th</sup> Congress. The racial categories used in this report “generally reflect a social definition of race recognized in this country and [are] not an attempt” by CRS “to define race biologically, anthropologically, or genetically.” Additionally, for the purpose of this Insight, the Hispanic category is treated as a distinct nonwhite category. However, individuals who identify as Hispanic or Latino may be of any race.

Of the nominees confirmed during the 117<sup>th</sup> Congress, a plurality were Black—specifically, 12 (43%) of 28 nominees. Of the remaining nominees, 7 (25%) were White; 4 (14%) were Hispanic; 4 (14%) were Asian American; and 1 (4%) was biracial.

During the 115<sup>th</sup> Congress, 27 (90%) of 30 circuit court nominees confirmed were White and 3 (10%) were Asian American.

During the 111<sup>th</sup> Congress, 8 (50%) of 16 circuit court nominees confirmed were White; 5 (31%) were Black; 2 (13%) were Hispanic; and 1 (6%) was Asian American.

During the 107<sup>th</sup> Congress, 14 (82%) of 17 circuit court nominees confirmed were White and 3 (18%) were Black.

Overall, as of January 1, 2023, less than one-third of *all* active U.S. circuit court judges were nonwhite. Specifically, 54 (32%) of 171 active circuit court judges were nonwhite and 117 (68%) were White.

### American Bar Association Ratings of Confirmed Nominees

Of the 28 circuit court nominees confirmed during the 117<sup>th</sup> Congress, 22 (79%) received a rating of *Well Qualified* by the American Bar Association and 6 (21%) received a rating of *Qualified*.

Of the 30 circuit court nominees confirmed during the 115<sup>th</sup> Congress, 24 (80%) received a rating of *Well Qualified*, 4 (31%) received a rating of *Qualified*, and 2 (7%) received a rating of *Not Qualified*.

Of the 16 circuit court nominees confirmed during the 111<sup>th</sup> Congress, 11 (69%) received a rating of *Well Qualified* and 5 (31%) received a rating of *Qualified*.

Of the 17 circuit court nominees confirmed during the 107<sup>th</sup> Congress, 11 (65%) received a rating of *Well Qualified* and 6 (35%) received a rating of *Qualified*.

### Office Held or Employment at Time of Nomination for Confirmed Nominees

**Figure 1** shows the type of employment or the office held at the time of nomination for confirmed nominees during the 117<sup>th</sup> Congress. Of the 28 confirmed nominees, 11 (39%) were U.S. district court judges; 4 (14%) were attorneys in private practice; 4 (14%) were a federal, state, or local public defender; 4 (14%) were state or local judges; and 5 (18%) had a different type of employment. For example, [Jennifer Sung](#) served as a member of the [Oregon Employment Relations Board](#) at the time of her nomination to the [U.S. Court of Appeals for the Ninth Circuit](#).

### Nominees Confirmed by United States Judicial Circuit

The map included with **Figure 1** shows the specific [judicial circuits](#) to which nominees were confirmed during the 117<sup>th</sup> Congress. Overall, nominees were confirmed to 11 different judicial circuits—or 85% of the nation’s 13 circuits. During the 117<sup>th</sup> Congress, no nominee was confirmed to either the [Eighth Circuit](#) or the [Eleventh Circuit](#).

The four circuits with the greatest number of confirmed circuit court nominees during the 117<sup>th</sup> Congress were the [Ninth Circuit](#) (6 nominees); [Second Circuit](#) (5 nominees); [D.C. Circuit](#) (3 nominees); and [Seventh Circuit](#) (3 nominees). Altogether, the 17 nominees confirmed to these 4 circuits represent 61% of the circuit court nominees confirmed during the 117<sup>th</sup> Congress.

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